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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,059	08/21/2003	Nhan X. Bui	TUC920030097US1	6553

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LAW OFFICE OF DALE F. REGELMAN, P.C.
4321 S. Fremont Avenue
Tucson, AZ 85714

EXAMINER

SNIEZEK, ANDREW L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,059

Applicant(s)

BUI ET AL.

Examiner

Andrew L. Snizek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12, 17-21, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 4-7, 13-16 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/21/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/21/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 08/21/03 has been considered.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because due to the copying process the submitted drawings are sketchy. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Alayer de Costemore d'Arc et al. (4,411,008)

('008) teaches an apparatus and corresponding method of operation that monitors the position of a tape by providing a magnetic tape as indicated by the standards (C-60, C-90 and C-120) disposed on (reel 1 and reel 2) that inherently has a first end and a second end. The reels are releaseably attached to corresponding reel motors (M1 and M2) since different size mediums are used as indicated by (C-60, C-90 and C-120). As discussed in column 7, lines 43-57), pulse generators (56, 58) which can take on different forms, are used to generate a count of reel rotations, for example as pointed out in column 9, line 30, which count is then compared to a count limit as provided by a memory, for example memory unit (40) which when the count limit is reached (claim 3), the motors are stopped when the target position is reached as inherently discussed in claim 10 since when a target position is reached there would be no reason for further movement of the tape. Claim 1 differs from the arrangement as discussed above in that claim 1 sets forth that determination of the counts is made when the count value "exceeds" the reel count limit where in ('008) the determination is made when the count value reaches the reel count limit. This difference would result in a very minor difference in the location at which the tape is stopped and is directly related to the number of pulses generated by the pulse generators (56, 58) for each revolution of the reels. As discussed in column 7, lines 43-57, ('008) suggests that the

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rate of pulse generation may vary if desired. Given that, if one generates enough pulses the exact placement of stopping, less than the desired count or exceeds the desired count would not detract from the end result of finding the desired location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of ('008) so that stopping occurs when the counted value exceeds the desired count as set forth since this would provide the same result of finding the desired location given that the pulse generation rate can be varied as suggested. Claims 10 and 19 substantially set forth the same limitations as discussed above and are deemed satisfied by ('008) for reasons provided. In addition the computer readable medium that is used with a processor is satisfied by ('008) as can be seen from figure 2.

6. Claims 4, 5, 6, 7, 13, 14, 15, 16, 22, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Alayer de Costemore d' Arc et al. ('008) as applied to claims 1, 10 and 19 above, and further in view of Lewis et al.

The teaching of ('008) is discussed above and incorporated herein. Claims 4-7, 13-16 and 22-25 are directed to the manner in which the reel counts are generated, specifically by the use of brushless motors and Hall sensors. Although ('008) suggests in column 7, lines 43-57 that the number of pulses may vary and that the type of pulse detectors can take on different forms the claimed features as pointed out are not specifically defined. Lewis et al. teaches in the similar art that brushless motors and Hall sensors can be used in a similar manner to detect rotation of a reel. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a teaching in the arrangement of ('008) as an alternative pulse generating and

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detecting arrangement and as already discussed ('008) teaches that the number of pulses detected can also vary which could include the claimed "24" as set forth.

Allowable Subject Matter

7. Claims 2-3, 11-12, 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 8-9, 17-18 and 26-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The claimed method 2/1 and corresponding article of manufacture 11/10 and computer program product 20/19 that includes a difference count threshold an the manner it is used is neither taught by nor an obvious variation of the at of record.

10. The following is a statement of reasons for the indication of allowable subject matter: The claimed method 8/1 and corresponding article of manufacture 17/10 and computer program product 26/19 that adjusts the second reel rotation count limit based on a detected PRE-EOT LPOS servo signal as set forth is neither taught by nor an obvious variation of the at of record.

Conclusion

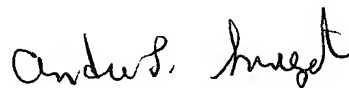
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US006257515B1 teaches a related invention but does not use reel motors, only discloses a capstan motor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
10/30/04